

## UNITED STATES DISTRICT COURT

for the

Northern District of New York

UNITED STATES OF AMERICA )

v. )

Jose Manuel MEJIAS-Ayala )

Case No. 8:22-MJ-551 (ATB)

U.S. DISTRICT COURT – N.D. OF N.Y.

FILED

Sep 26 - 2022

John M. Domurad, Clerk

Defendant )

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief. On or about the date(s) of September 25, 2022, in the county of Clinton in the Northern District of New York, the defendant violated:

*Code Section*

8 U.S.C. § 1324(a)(1)(A)(ii), (v)(I)

*Offense Description*

Conspiracy to commit alien smuggling by, knowing and in reckless disregard of the fact that aliens have come to, entered, or remained in the United States in violation of law, the defendant did conspire to transport, move and attempt to transport and move, aliens within the United States by means of transportation or otherwise in furtherance of such violation of law.

This criminal complaint is based on these facts:

☒ Continued on the attached sheet.



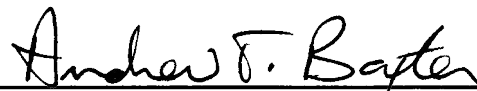
Jeffrey L. Havicon, Border Patrol Agent

*Printed name and title*

Attested to be the affiant in accordance with Rule 4.1 of the Federal Rules of Criminal Procedure.

Date: 9/26/2022

City and State: Syracuse, NY



Hon. Andrew T. Baxter, U.S. Magistrate Judge

***United States of America v. MEJIAS-Ayala, Jose Manuel***

money. MEJIAS-Ayala stated that Pablo provided him pin locations, via WhatsApp, for where to pick up these people. MEJIAS-Ayala claims Pablo provided him with the identification card (identified as CORADO-Tobar, Rene Alfredo) for the foot guide and asked him to return it to him when he sees them. MEJIAS-Ayala stated this identification card was hidden under a towel in his vehicle's rear seat.

COLINDRES-Gonzalez, Olga was issued her *Miranda* warning and she did not wish to speak with law enforcement.

MORALES-Montoya was issued her *Miranda* warning and agreed to speak with law enforcement. MORALES-Montoya claimed her daughter made their smuggling arrangements. MORALES-Montoya stated they paid \$19,000.00 for the three of them to be smuggled into the United States. MORALES-Montoya was shown the Indian identification card, and she positively identified that subject as the foot guide who guided them into the United States.

***United States of America v. MEJIAS-Ayala, Jose Manuel***

On September 25, 2022, at approximately 9:49 p.m., Swanton Sector communications (KAD 640) notified Border Patrol Agents assigned to the Champlain, New York station that they observed, via remote imagery, four people walking through the brush near Upton Road. Upton Road is a rural dead-end road that stops near the United States/ Canada international boundary. Due to the remote location of this road, its close proximity to the international border, and its numerous routes of egress, it is frequently exploited by alien smugglers. Agents responded and attempted to locate this group or their potential load up vehicle.

At approximately 11:29 p.m., an agent observed a vehicle approach the end of Thompson Road and North Star Road. This vehicle stopped and flashed the lights into the field north of this intersection. Thompson Road is also a rural road that is not frequented by visitors and not typically travelled at night. The agent followed this vehicle east on North Star Road and noticed this vehicle was bearing an Indiana temporary license plate. Suspecting this vehicle may have picked up the group which had illegally entered the United States earlier, the agent conducted an immigration inspection of the vehicle's occupants. The agent approached the vehicle, identified himself as a Border Patrol Agent, and questioned the occupants as to their citizenship.

The driver (later identified as MEJIAS-Ayala, Jose) claimed to be a United States citizen. MEJIAS-Ayala claimed that he was coming from, and returning to, Plattsburgh, New York. MEJIAS-Ayala stated he was in this area because he has a friend in Buffalo, New York and he was going to relocate to the area. When the agent notified MEJIA-Ayala that he was approximately seven hours from Buffalo, NY, MEJIAS-Ayala stated he liked this area because he loved nature.

The front seat passenger in MEJIAS-Ayala's vehicle was questioned regarding her citizenship, and she claimed to be from California. The agent questioned the passenger where in California she was born, and she said that she did not know. The passenger presented the agent with an Indian identification card (by the name of JIMENEZ, Guadalupe). The agent conducted record checks and it was revealed that this person was previously issued an Order of Removal from the United States. MEJIAS-Ayala and the passenger were detained and taken to the Champlain Border Patrol station for further investigation.

At the station, the passenger's fingerprints and biographical information was entered into the Department of Homeland Security's database. It was revealed that her name is Olga COLINDRES-Gonzalez, and not Guadalupe JIMENEZ. COLINDRES-Gonzalez also admitted her true and correct name is COLINDRES-Gonzalez. Record checks further revealed that COLINDRES-Gonzalez is a citizen and national of El Salvador. COLINDRES-Gonzalez had previously applied for a Temporary Protected Status and her application was subsequently denied on May 6, 2006.

At approximately 11:59 p.m., an agent advised that he had seen several people hiding in the brush near where MEJIAS-Ayala was flashing his vehicle's lights. The agents searched this area and located three people hiding. The agents identified themselves as Border Patrol Agents and questioned these people as to their citizenship. The three people (later identified as MORALES-Montoya, Maria, SALINAS-Morales, Ana, and MONTOYA-Salinas, Alan) claimed to be citizens and nationals of Mexico who illegally entered the United States. None of them possessed any immigration documents which would allow them to remain in the United States legally. All of these subjects were transported back to the station for further investigation and processing.

MEJIAS-Ayala was issued his *Miranda* warning and agreed to speak with law enforcement. MEJIA-Ayala claimed he made the arrangements with an acquaintance known as "Pablo" to pick up two women and one child. MEJIA-Ayala claimed that Pablo was going to pay him \$6,000.00 to pick up and take these three people to Chicago, Illinois. MEJIAS-Ayala stated he and his wife (COLINDRES-Gonzalez) were going to use the proceeds to go on vacation. MEJIAS-Ayala stated he and COLINDRES-Gonzalez were going to split the